

Message Text

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ACTION AF-08

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-01

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 /066 W

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R 170940Z FEB 77

FM AMEMBASSY LILONGWE

TO SECSTATE WASHDC 651

INFO AMEMBASSY DAR ES SALAAM

AMEMBASSY LONDON

AMEMBASSY LUSAKA

AMEMBASSY MAPUTO

AMEMBASSY NAIROBI

AMEMBASSY PRETORIA

C O N F I D E N T I A L LILONGWE 0271

E.O. 11652: GDS

TAGS: PINT, PINS, MI

SUBJECT: TREASON CHARGE AGAINST MUWALO AND GWEDE RESULTS IN
DEATH SENTENCE

REF: LILONGWE 1192 (76)

1. EX-MINISTER WITHOUT PORTFOLIO AND MALAWI CONGRESSSPARTY (MCP)
SECGEN ALBERT MUWALO NQUMAYO AND EX-SPECIAL BRANCH HEAD FOCUS GWEDE
WERE CHARGED WITH TREASON AND TRIED BY TRADITIONAL COURT IN BLANTYRE
JAN. 25 - FEB. 3. BOTH WERE CHARGED WITH "ATTEMPTING TO OVERTHROW
THE MALAWI GOVERNMENT" AND SPECIFICALLY WITH PLANNING BETWEEN
SEPTEMBER 3 - 5 TO ASSASSINATE LIFE PRESIDENT BANDA WHEN THE LATTER
WOULD BE IN KARONGA (NORTHERN PROVINCE) LATER THAT MONTH. MUWALO
WAS CHARGED WITH ADDITIONAL CHARGE OF "INCITING A POLICE OFFICER
(READ GWEDE) TO COMMIT A TREACHEROUS ACT".

2. THE LOCAL MEDIA EXTENSIVELY COVERED THE TRIAL, FEATURING
PROSECUTION EVIDENCE WHICH INCLUDED VARIOUS "INCRIMINATING" LETTERS,
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FORMER PUBLIC REMARKS BY MUWALO, "COMMUNIST" LITERATURE (INCLUDING
ORWELL'S CLASSIC ANTI-COMMUNIST BOOK "ANIMAL FARM"), PHOTOS OF
MALAWIAN "REBELS", A DEFACED PHOTO OF BANDA, UNREGISTERED
LOADED REVOLVERS, UNACCOUNTED FOR ARMS IN A LOCKER IN SPECIAL
BRANCH HEADQUARTERS AND A TAPE RECORDING OF A GWEDE/MUWALO
CONVERSATION. WHILE MEDIA REPORTING (GOVERNMENT CONTROLLED) WAS
NOT COMPLETELY NEUTRAL (REFERRED TO PROSECUTION EVIDENCE AS

"GENUINE") AND WAS OF USUAL POOR QUALITY (JOURNALISM IS NOT SOUGHT-AFTER PROFESSION WHERE ALL-POWERFUL PRESIDENT PERIODICALLY PUBLICLY ANNOUNCES HIS CONTEMPT FOR JOURNALISTS) IT WAS NOT BLATANTLY BIASED AND WAS SURPRISING FOR COVERAGE OF DEFENSE TESTIMONY. ALSO, LIFE PRESIDENT BANDA REFRAINED FROM PUBLIC STATEMENTS ABOUT THE TRIAL DURING ITS COURSE, ALTHOUGH PRIOR TO TRIAL HE STATED HE "WAS AWARE OF THE PEOPLE'S STRONG FEELINGS" AGAINST MUWALO AND GWEDE BUT WOULD LET THE COURT DEAL WITH THE MATTER ACCORDING TO LAW.

3. ON FEBRUARY 14 THE COURT ANNOUNCED THAT MUWALO AND GWEDE HAD BEEN FOUND GUILTY OF TREASON (MUWALO WAS FOUND NOT-GUILTY OF THE SECOND CHARGE OF INCITING A POLICE OFFICER TO TREACHEROUS ACT) AND WERE SENTENCED TO DEATH. DEATH IS A MANDATORY SENTENCE FOR A FINDING OF GUILTY IN CASES OF TREASON. THE CHIEF (LITERALLY A CHIEF) OF THE FIVE-MAN TRADITIONAL COURT SUMMED UP THE CASE FOR OVER TWO HOURS. THE PRESS ACCOUNT OF THE SUMMING UP WAS SIMPLY A REPETITION OF THE PAST PUBLICIZED PROSECUTION EVIDENCE. THE ACCUSED HAVE THIRTY DAYS IN WHICH TO APPEAL AND THE PRESIDENT MAY COMMUTE THE DEATH SENTENCE.

4. COMMENT: ACCORDING TO ACCOUNTS OF THE PROSECUTION EVIDENCE, CASE SEEMS TO BE A CLEAR FRAME-UP FROM START TO FINISH. THERE IS NO REPEAT NO EVIDENCE OF WHICH WE ARE AWARE ACTUALLY LINKING TWO DEFENDENTS TO ASSASSINATION PLOT OR ANY PLOT TO OVERTHROW GOM. THE EVIDENCE WAS FABRICATED OR AT BEST HIGHLY CIRCUMSTANTIAL. WE LEARNED FROM A MALAWIAN SOURCE WHO WAS PRESENT THAT COURT SILENCED GWEDE WHEN THE LATTER SPOKE IN HIS OWN DEFENSE ON GROUNDS HE SHOULD NOT DIVULGE "STATE SECRETS" AND THEN DENIED HIM A REQUEST CONFIDENTIAL

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TO HOLD SESSION IN CAMERA. WE SUSPECT RULES OF EVIDENCE, ETC. WERE HIGHLY FLEXIBLE.

5. LIFE PRESIDENT BANDA WANTED MUWALO AND GWEDE OUT OF THE WAY (SEE REFTTEL) AND NOW HAS THEM COMPLETELY AT HIS MERCY. THE TRIAL WAS A COMPLETE MOCKERY OF JUSTICE BUT THERE IS PRECIOUS LITTLE NOTION OF JUSTICE LEFT IN MALAWI IN THE POLITICAL AREA AFTER 12 YEARS OF BANDA'S DICTATORIAL RULE. ALTHOUGH THE AGEING PRESIDENT IS UNPREDICTABLE, MANY BELIEVE, AND WE THINK IT PROBABLE, THAT BANDA WILL COMMUTE THE DEATH SENTENCES. WHILE VIRTUALLY NO ONE WOULD MOURN THE TWO DEFENDENTS, WHO WERE PETTY TYRANTS IN THEIR OWN RIGHT AND CLEARLY IN SOME TYPE OF UNSAVORY ASSOCIATION, IT WOULD BE HARD FOR ANYONE BUT THE MOST INSENSITIVE TO HANG THE DEFENDANTS BASED ON EVIDENCE OF THE TRIAL.

6. THE TRIAL HAS CLEARLY SERVED NOTICE THAT BANDA IS STILL ALL-POWERFUL AND FALLING FROM HIS GRACES CAN MEAN THE LAST FALL. WHILE MOST MALAWIANS REJOICE AT THE DOWNFALL OF GWEDE AND MUWALO AND THE SUBSEQUENT RELEASE OF SOME 700 POLITICAL DETAINEES HAS

SOMEWHAT EASED THE ATMOSPHERE, THE TRIAL AND SENTENCE WILL PROBABLY
RESULT IN MOST THINKING MALAWIANS PULLING IN THEIR HEADS A NOTCH
FURTHER.
STEVENSON

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